

House File 2169 - Introduced

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BY KAUFMANN

A BILL FOR

1 An Act providing for midwife licensure, providing for fees, and
2 making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2018,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, orthotist,
10 prosthetist, pedorthist, respiratory care practitioner,
11 practitioner of cosmetology arts and sciences, practitioner
12 of barbering, funeral director, dietitian, marital and family
13 therapist, mental health counselor, respiratory care and
14 polysomnography practitioner, polysomnographic technologist,
15 social worker, massage therapist, midwife, athletic trainer,
16 acupuncturist, nursing home administrator, hearing aid
17 specialist, or sign language interpreter or transliterator
18 means a person licensed under [this subtitle](#).

19 6. "*Profession*" means medicine and surgery, podiatry,
20 osteopathic medicine and surgery, practice as a physician
21 assistant, psychology, chiropractic, nursing, dentistry,
22 dental hygiene, dental assisting, optometry, speech pathology,
23 audiology, pharmacy, physical therapy, physical therapist
24 assisting, occupational therapy, occupational therapy
25 assisting, respiratory care, cosmetology arts and sciences,
26 barbering, mortuary science, marital and family therapy, mental
27 health counseling, polysomnography, social work, dietetics,
28 massage therapy, midwifery, athletic training, acupuncture,
29 nursing home administration, practice as a hearing aid
30 specialist, sign language interpreting or transliterating,
31 orthotics, prosthetics, or pedorthics.

32 Sec. 2. Section 147.13, Code 2018, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 25. For midwifery, the board of midwifery.

35 Sec. 3. Section 147.14, subsection 1, Code 2018, is amended

1 by adding the following new paragraph:

2 NEW PARAGRAPH. *x.* For midwifery, a total of seven members,
3 four members who are licensed midwives under chapter 148H;
4 one member who is licensed under chapter 148, is a practicing
5 family physician, and has professional experience consulting
6 for and collaborating with direct-entry midwives; and two
7 members who are not licensed midwives or licensed health care
8 providers who have received direct-entry midwifery services and
9 who shall represent the general public.

10 Sec. 4. Section 147.74, Code 2018, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 26. A midwife licensed under chapter 148H
13 may use the words "licensed midwife" or the initials "L.M."
14 after the person's name.

15 Sec. 5. NEW SECTION. **148H.1 Midwifery licensure —**
16 **legislative findings and intent.**

17 The general assembly recognizes the need for a person to have
18 the freedom to choose the manner, cost, and setting for giving
19 birth. The general assembly finds that access to prenatal care
20 and delivery services is limited by the inadequate number of
21 providers of such services and that the practice of midwifery
22 may help to reduce this shortage. The general assembly also
23 recognizes the need for the safe and effective delivery of
24 newborn babies and the health, safety, and welfare of their
25 mothers in the delivery process. The general assembly, in
26 the interest of public health, promotes the regulation of the
27 practice of midwifery in Iowa for the purpose of protecting the
28 health and welfare of women and infants. The general assembly
29 recognizes that midwifery is a profession in its own right and
30 that it is not the practice of medicine or nursing.

31 Sec. 6. NEW SECTION. **148H.2 Definitions.**

32 As used in this chapter, unless the context otherwise
33 requires:

34 1. "*Board*" means the board of midwifery created pursuant to
35 chapter 147.

1 2. "*Licensed midwife*" means a person who is licensed to
2 practice midwifery as provided in this chapter and has obtained
3 national certification from the North American registry of
4 midwives or a successor organization.

5 3. "*Midwife*" means a person who is trained to give the
6 necessary care and advice to a woman during pregnancy, labor,
7 and the post-birth period, to conduct normal deliveries on
8 the midwife's own responsibility, and to care for the newly
9 born infant, and who is able to recognize the warning signs of
10 abnormal conditions requiring referral to or collaboration with
11 a physician.

12 4. "*Midwifery*" means the practice of attending to a woman
13 experiencing a low-risk pregnancy during pregnancy, labor, and
14 the post-birth period with the informed consent of the woman,
15 and the provision of comprehensive care of the pregnant woman
16 during the antepartum phase, intrapartum phase, and postpartum
17 phase, and the application of emergency care when necessary.

18 5. "*Out-of-hospital*" means any facility, institution, or
19 place which is not an ambulatory surgical center or a hospital,
20 such as a birth center as defined in section 135.61 or a
21 private home.

22 Sec. 7. NEW SECTION. 148H.3 Licensure — licensed
23 midwifery.

24 1. Except as provided in section 148H.7, subsection 1,
25 beginning July 1, 2018, every person practicing as a licensed
26 midwife in this state shall be licensed pursuant to this
27 chapter. The board shall adopt rules pursuant to chapters 17A,
28 147, and 272C establishing procedures for the licensure of new
29 and practicing midwives.

30 2. Prior to obtaining licensure, an applicant shall
31 successfully pass an examination prescribed and approved by the
32 board by rule demonstrating competencies in at least all of
33 the following areas: risk assessment and management; prenatal
34 care; management of normal labor, birth, and postpartum;
35 newborn care up to six weeks; and adult cardiopulmonary

1 resuscitation and newborn resuscitation.

2 3. The applicant shall hold a certified professional
3 midwife credential issued by the North American registry of
4 midwives or any other nationally accredited credential as
5 specified by the board. If an applicant has been subject to
6 prior revocation of a license to practice medicine or nursing,
7 the applicant shall not be eligible for licensure under this
8 chapter, except as determined by the board.

9 4. The board may request, at the applicant's expense, that
10 the department of public safety perform a criminal history
11 check and the department of human services perform child and
12 dependent adult abuse record checks of the applicant. If an
13 applicant has a criminal record or a record of founded child or
14 dependent adult abuse, the board shall perform an evaluation to
15 determine whether the record warrants denial of licensure.

16 Sec. 8. NEW SECTION. 148H.4 Use of title — penalty.

17 A person shall not use the title "licensed midwife",
18 describe or imply that the person is a licensed midwife, or
19 represent the person as a licensed midwife unless the person is
20 licensed under this chapter or is licensed as a nurse-midwife
21 under chapter 152.

22 Sec. 9. NEW SECTION. 148H.5 Rules.

23 1. The board shall:

24 a. Adopt rules relating to standards for professional
25 conduct of persons licensed under this chapter.

26 b. Adopt rules consistent with this chapter and with
27 chapters 17A, 147, and 272C which are necessary for the
28 performance of the board's duties.

29 c. Act on matters concerning licensure and the processes
30 of applying for, granting, suspending, imposing supervisory
31 or probationary conditions upon, reinstating, and revoking a
32 license.

33 d. Administer the provisions of this chapter requiring
34 documentation required to demonstrate competence as a midwife,
35 and the processing of applications for licenses and license

1 renewal.

2 *e.* Develop continuing education requirements as a condition
3 of license renewal.

4 *f.* Evaluate requirements for licensure in other states to
5 determine if reciprocity may be granted.

6 *g.* Establish and collect licensure fees as provided in
7 section 147.80 and retain fees as provided in section 147.82.

8 *h.* Establish procedures for the issuance, renewal, and
9 revocation or suspension of a license under this chapter.

10 *i.* Maintain a registry of licensed midwives and statistics
11 on the practice of midwifery utilizing vital statistics data.

12 2. In developing rules, the board may consult with
13 persons knowledgeable regarding the prenatal and postpartum
14 birth process, particularly those possessing experience
15 with out-of-hospital births, including but not limited to
16 persons licensed under chapter 148, certified professional
17 midwives, advanced registered nurse practitioners who are
18 certified nurse-midwives, and women who have given birth in
19 an out-of-hospital setting. In developing rules relating
20 to the practice of midwifery, the board shall reflect the
21 knowledge and skills identified by the North American registry
22 of midwives' current job description for the profession and the
23 standards of practice of midwifery established by the national
24 association of certified professional midwives or a successor
25 organization.

26 3. Rules relating to the practice of midwifery shall be
27 consistent with the North American registry of midwives'
28 current job description for the profession and the standards
29 of practice of midwifery established by the national
30 association of certified professional midwives or a successor
31 organization, and shall not expand the scope of practice of
32 midwifery established by the national association of certified
33 professional midwives or a successor organization.

34 Sec. 10. NEW SECTION. 148H.6 Client disclosure.

35 Prior to accepting a patient for midwifery care, a licensed

1 midwife shall provide information to the patient indicating all
2 of the following:

3 1. Evidence that the care provider is a licensed midwife
4 meeting the requirements of this chapter.

5 2. Whether the licensed midwife has malpractice liability
6 insurance coverage and the policy limits of such coverage.

7 3. The midwife's educational background and relevant
8 experience, including experience in various birth settings.

9 4. The nature, scope, and location of the care to be
10 given, including the possibility of and the guidelines for
11 consultation, referral, or transfer of the patient to a
12 hospital from an out-of-hospital setting.

13 Sec. 11. NEW SECTION. 148H.7 **Exceptions.**

14 1. This chapter does not prevent qualified members of other
15 professions including but not limited to individuals licensed
16 under chapter 148 or 152 from providing services consistent
17 with the nature of the practice of midwifery.

18 2. This chapter does not prevent or prohibit a student
19 midwife from performing tasks related to the practice of
20 midwifery under the supervision of a licensed midwife, a
21 certified nurse-midwife, or a licensed physician during
22 completion of the licensure process.

23 3. The practice of midwifery in this state prior to July 1,
24 2018, shall not constitute grounds for disciplinary action by
25 the board. The board may issue a license to a person who has
26 practiced midwifery in this state prior to that date upon that
27 person's application and compliance with the provisions of this
28 chapter and the rules adopted pursuant to this chapter.

29 Sec. 12. NEW SECTION. 148H.8 **Requirements for licensure —**
30 **temporary license.**

31 Beginning July 1, 2018, an individual who does not meet
32 the requirements for licensure by examination pursuant to
33 section 148H.3 may apply for a one-year temporary license, the
34 qualifications for which shall be determined by the board by
35 rule. Renewal of the temporary license shall be determined

1 by the board. The board may revoke a temporary license if it
2 determines that the temporary licensee has violated standards
3 established by rule.

4 Sec. 13. Section 272C.1, subsection 6, Code 2018, is amended
5 by adding the following new paragraph:

6 NEW PARAGRAPH. *ah.* The board of midwifery, created pursuant
7 to chapter 147.

8 Sec. 14. Section 272C.4, subsection 6, Code 2018, is amended
9 to read as follows:

10 6. Define by rule acts or omissions that are grounds for
11 revocation or suspension of a license under [section 100D.5](#),
12 [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [148H.5](#), [152.10](#), [153.34](#), [154A.24](#),
13 [169.13](#), [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#),
14 or [602.3203](#) or [chapter 151](#) or [155](#), as applicable, and to define
15 by rule acts or omissions that constitute negligence, careless
16 acts, or omissions within the meaning of section 272C.3,
17 subsection 2, paragraph "b", which licensees are required to
18 report to the board pursuant to [section 272C.9, subsection 2](#).

19 Sec. 15. INITIAL APPOINTMENTS.

20 1. Notwithstanding any provision to the contrary in this
21 Act, the initial midwife appointees to the board of midwifery
22 created pursuant to this Act shall fulfill the national
23 certification requirements of the North American registry of
24 midwives or a successor organization.

25 2. One of the initial midwife appointments to the board
26 shall be appointed for a one-year term, one shall be appointed
27 for a two-year term, and one shall be appointed for a
28 three-year term. The member who is licensed under chapter
29 148 shall be appointed for a two-year term, and the members
30 representing the general public shall each be appointed to a
31 three-year term.

32 EXPLANATION

33 The inclusion of this explanation does not constitute agreement with
34 the explanation's substance by the members of the general assembly.

35 This bill creates new Code chapter 148H that provides for

1 the licensure of midwives beginning July 1, 2018. A midwife,
2 as defined by the bill, provides comprehensive maternity care
3 to low-risk women during the antepartum, intrapartum, or
4 postpartum period.

5 The bill provides for the establishment of a seven-member
6 board of midwifery consisting of four members who are midwives,
7 one physician, and two members who represent the general
8 public. The bill provides for fees to fund the board and
9 provides penalties for violation of the licensure requirement;
10 those penalties are set out for all health-related boards in
11 Code chapters 147 and 272C. Code section 147.86 provides that
12 it is a serious misdemeanor to violate a provision of the
13 licensing laws.

14 The board is similar in composition and responsibilities to
15 other health-related licensing boards.

16 The bill provides that a midwife practicing prior to
17 the effective date of the bill is not required to take an
18 examination for licensure.